

Shri Rajaram Tukaram Gosavi	... Appellant (Ori.Plaintiff)
V/s	
Shri Prakash Vishwanath Patole & anr.	... Respondents
Ms. Nayana Thatte for the appellant.	

DATED: 23RD JUNE, 2005

1. This is an appeal preferred by the appellant against the judgment and order passed by the Addl. District Judge, Thane, dated 28.8.2003 dismissing the appeal and confirming the judgment and order passed by the Civil Judge, Sr.Divn., Thane, dated 30.11.2000, dismissing the suit.

2. The plaintiff had filed the suit against the defendants for recovery of damages amounting to Rs.1 lac. The defendants were served and appeared but did not file written statement. The plaintiff led his evidence. It is the case of the plaintiff that he was

serving in the District Social Welfare office at Thane as a Watchman since 1991. In the year 1997 the defendant No.1 District Social Welfare Officer declared him as a patient suffering from Tuberculosis and terminated his services on that count. The plaintiff, therefore, received a mental shock and went to Civil Surgeon, Thane, for medical check up. However, he was certified to be not suffering from any disease. He submitted the certificate of Civil Surgeon to the defendant No.1 and requested that he should be permitted to resume his duties, however, he was not allowed to resume his duties and hence the suit came to be filed.

3. It is an evident position that the appellant moved the Maharashtra Administrative Tribunal and obtained orders, whereunder his salary and dues were received. Evidence of the plaintiff revealed that, inspite of the fact that he was on leave, he did not file any application, therefore, his leave was treated by the defendant No.1 as unauthorised leave and, therefore, his salary was not released and for that purpose, as noted earlier, he moved the Maharashtra Administrative Tribunal and got the orders of release of his pay. However, there is not an iota of any evidence led on behalf of the plaintiff nor it is revealed from the

circumstances on record that he suffered any mental agonies or any damages so as to claim compensation. The learned lower Courts below have held that there is no evidence on record to show that he was defamed by letter dated 29.11.1996 issued by the defendants nor there is any evidence to show that his image or prestige was lowered among his colleagues because of the impugned order issued by the defendant No.1 and, as such, the suit came to be dismissed.

4. I have heard the learned counsel for the appellant. I have also perused the judgments of both the Courts below.

5. There is absolutely no substantial question of law involved in this appeal and both the lower Courts have appreciated the available evidence in proper perspective and, therefore, it would brook no interference. In the result, the appeal stands dismissed.

(P. V. Kakade, J.)